

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE COMPANY, ALLSTATE FIRE  
& CASUALTY INSURANCE COMPANY, ALLSTATE  
INDEMNITY COMPANY, AND ALLSTATE PROPERTY  
& CASUALTY INSURANCE COMPANY,

Docket No.: 22-CV-4441 (SJB)

Plaintiffs,

**NOTICE OF MOTION**

-against-

TATIANA M. RYBAK, OLEG RYBAK, FABIOLA G.  
PERNIER AS EXECUTOR OF THE ESTATE OF JEAN  
PIERRE CLAUDE PERNIER, M.D., FRANCOIS JULES  
PARISIEN, M.D., FRANCIS JOSEPH LACINA, M.D.,  
KSENIA PAVLOVA, D.O., ALFORD A. SMITH, M.D.,  
DARREN THOMAS MOLLO, D.C., CHARLES DENG,  
L.AC., MARIA SHEILA BUSLON A/K/A MARIA  
MASIGLA, P.T., JPC MEDICAL, P.C., JPF MEDICAL  
SERVICES, P.C., JULES MEDICAL, P.C. N/K/A GIBBONS  
MEDICAL, P.C., JP MEDICAL SERVICES P.C., JFL  
MEDICAL CARE P.C., ALLAY MEDICAL SERVICES,  
P.C., FJL MEDICAL SERVICES P.C., PFJ MEDICAL  
CARE P.C., RA MEDICAL SERVICES P.C., KP MEDICAL  
CARE P.C., ALFORD A. SMITH MD, P.C., STRATEGIC  
MEDICAL INITIATIVES P.C., ACH CHIROPRACTIC,  
P.C., ENERGY CHIROPRACTIC, P.C., ISLAND LIFE  
CHIROPRACTIC PAIN CARE, PLLC, CHARLES DENG  
ACUPUNCTURE, P.C., MSB PHYSICAL THERAPY, P.C.,  
JOHN DOES 1 THROUGH 20, AND ABC  
CORPORATIONS 1 THROUGH 20,

Defendants.

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**PLEASE TAKE NOTICE** that Defendants, Oleg Rybak and Fabiola G. Pernier, respectfully moves this Court for an Order, pursuant to Fed. R. Civ. P. Rule 12(b)(6) and 9(a) and the Court's inherent power; Dismissing the entire Complaint as against Defendants, Oleg Rybak and Fabiola G. Pernier, in its entirety; and (ii) whatever other and further relief the Court wishes to give.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the May 22, 2023 Court Ordered briefing schedule, any opposition to the motion is due to be served no later than August 25, 2023, and Defendant Oleg Rybak intends to file and serve reply papers in further support of this motion, to the extent that any party serves opposition papers, on or before September 15, 2023, at which time all parties are to file their respective papers with the Court.

Dated: Garden City, New York  
July 3, 2023

**SCHWARTZ CONROY & HACK, P.C.**

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